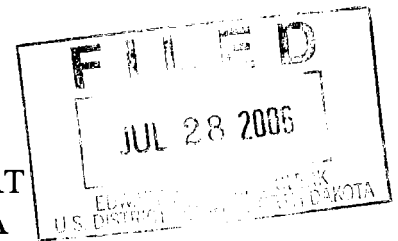


IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA



IN THE MATTER OF SCHEDULE OF)
COLLATERAL FORFEITURE)
SCHEDULE FOR THE BUREAU OF)
LAND MANAGEMENT)

**ORDER ADOPTING UNIFORM
COLLATERAL FORFEITURE
SCHEDULE FOR MISDEMEANOR
OFFENSES COMMITTED WITHIN
THE JURISDICTION OF THE
BUREAU OF LAND
MANAGEMENT IN THE DISTRICT
OF NORTH DAKOTA**

IT IS ORDERED that the Collateral Forfeiture Proposal for the District of North Dakota is hereby adopted to regulate land management standards and for violation of statutes relating to the Bureau of Land Management.

Dated: July 28, 2006.



DANIEL L. HOVLAND, Chief Judge
United States District Court

BUREAU OF LAND MANAGEMENT



COLLATERL FORFEITURE PROPOSAL

for the

DISTRICT OF NORTH DAKOTA

BLM / North Dakota Collateral Schedule Proposal

<u>Section</u>	<u>Description</u>	<u>Current</u>	<u>Proposed</u>
<u>Notes</u>			

The existing collateral schedule has a provision that violations of specific offenses may have an enhanced bond assigned for aggravated circumstances. BLM requests to retain this provision, which specifically states:

In the presence of aggravating circumstances, i.e., where the result of a persons actions exceeds the bond or when a serious threat exists to Bureau property, resources or personnel, an enhanced bond forfeiture of up to \$500 may be established at the discretion of the issuing officer, the Special Agent in Charge, or the U.S. Attorney's Office. A "bad attitude" does not constitute aggravated circumstances.

- An asterisk (*) indicates an offense for which the bond may be increased for aggravated offenses.
- Two asterisks (**) indicates that is it proposed that where the federal statute assimilates a state statute that the fine set under state law also be assimilated.
- Blank entries (missing fine amounts) indicate no currently assigned bond for that offense.
- Officer has discretion to make forego a bond amount on violations and require a mandatory appearance in magistrate's court. Immediate contact with the USAO required.

BLM / North Dakota Collateral Schedule Proposal

Section	Description	Current	Proposed
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Violations occurring within lands administered by the Bureau of Land Management charged under cited statutes from Titles 16, 18 & 43 or the United States Code.

United States Code Violations

16/433	Antiquities Act	\$500 *	\$500 *
16/460(1)(6a)	Non-Payment of Camping Fees	\$50	\$100
16/470(e)(e)	ARPA Violations		\$500
16/668	Bald Eagle Protection Act	\$1000	\$1000
16/670j(a)(1)	Hunting w/o Land Management Stamp	\$50	\$100
16/670j(a)(2)	Violations of Habitat Mgmt Plan Regulations	\$100 *	\$150 *
16/742(j)	Airborne Hunting Act Violations		\$500
16/1538(a)(1)	Endangered Wildlife Import/Export/Take		\$500
16/1538(a)(2)	Endangered Plants Import/Export/Take		\$500
16/3372a-d	Lacey Act Violations		\$250 *
16/4306	Federal Cave Resources Act Violations		\$250 *
18/641	Theft of Government Property		\$500
18/1170	NAGPRA Violations		\$500
18/1361	Vandalism	\$100 *	\$250 *
18/1852	Timber Removed or Transported	\$250 *	\$250 *
18/1853	Trees cut or injured	\$250 *	\$250 *
18/1854	Trees Boxed for Pitch or Turpentine	\$250	\$250
18/1856	Fire Left Unattended	\$250	\$250 *
18/1857	Fence Destroyed – Livestock Entering	\$250	\$250 *
18/1858	Survey Marks Destroyed or Removed	\$250 *	\$250 *
18/1859	Surveying Interrupted		\$500
18/1864(b)(5)	Hazardous Devices on Federal Lands		\$500
43/1061	Unlawful Enclosure	\$250	\$250
43/1063	Obstruction of Transit over Public Lands	\$250	\$250
43/4433	Campfire, Permits Required		\$250
43/4476	Discharging of Holding Tank		\$500

BLM / North Dakota Collateral Schedule Proposal

Section	Description	Current	Proposed
<i>Violations occurring within lands administered by the Bureau of Land Management charged under cited sections of Title 43, Code of Federal Regulations.</i>			

Archaeological Resources

7.4(a)	Excavate, Remove Archaeological Resources	\$500	\$500
7.4(b)(1)	Sell, purchase, transport arch resource	\$500	\$500
7.4(b)(2)	Sell, purchase, transport arch in violation of state/local regulation	\$500	\$500

Right of Way/Use; Leases and Permits

2801.3(g)	Unauthorized Use, Occupancy or Development	\$100	\$250 *
	Second Offense or Major Damage to Public Land		\$500
2920.1(e)	Unauthorized Use w/o Required Authorization	\$100	\$250 *
	Second Offense or Major Damage to Public Land		\$500

Special Use Permits for Competitive Events , Commercial Use, Recreation Areas

2932.57(a)(1)	Fail to Obtain a Special Recreation Permit or Pay any Fees		\$250 *
2932.57(a)(2)	Violate the Stipulations or conditions of a Permit		\$250
2932.57(a)(3)	Knowingly Participate in Event that has not been issued a Permit		\$150
2932.57(a)(4)	Fail to Post a Copy of the Permit for Participants to Read		\$150
2932.57(a)(5)	Fail to Show a Copy of Permit upon Request to BLM or Participant		\$250
2932.57(a)(6)	Obstruct or Impede Public w/Physical Contact During Event		\$500
2932.57(a)(7)	Refuse to Disperse when Directed by LEO, Permit or not		\$250

Special Use Permits for Fee Areas (Revised Regulations Formerly Found in 43 CFR 8372)

2933.33(1)	Fail to Obtain Permit or Pay any Fee		\$100
2933.33(2)	Fail to Pay fees w/in Time Period after Occupying Site		\$100
2933.33(3)	Fail to Display Any Required Proof of Payment of Fees		\$100
2933.33(5)	Knowing & Willful Possession of Counterfeit or Altered Permit		\$250 *
2933.33(6)	Falsely Represent Yourself to be Person Issued Document		\$250 *

Mineral Materials Unauthorized Use

3603.1	Unauthorized Removal of Mineral Resources		
	Personal Use		\$250 *
	Commercial		\$500

Petrified Wood - Free-Use Regulations

3622.4(a)(1)	Removal of Petrified Wood in Excess of Allowable Amount		\$150
3622.4(a)(2)	Use of Explosives and/or Power Tools in Excavation		\$250 *
3622.4(a)(3)	Selling of Petrified Wood to Commercial Dealers		\$250
3622.4(a)(4)	Degradation of Public Lands in Collection of Petrified Wood		\$250 *

Mining Regulations

3715.6(a)(1)	Conditions of Occupancy		\$500
3715.6(a)(2)	Standards of Occupancy		\$500
3715.6(b)	Occupancy before Approval		\$500
3715.6(e)	Non-Compliance w/Orders		\$500
3715.6(f)	Prevent/Obstruct Passage by Force/Threat		\$500
3715.6(g)	Enclosures/Signs		\$500
3715.6(h)	Fire, Safety, Public Nuisance		\$500
3715.6(i)	Non-Compliance to Occupancy		\$500
3715.6(j)	Conduct Activities Non-Related to Mining (each violation)		\$500

BLM / North Dakota Collateral Schedule Proposal

Section	Description	Current	Proposed
<u>General Mining Claim Laws</u>			
3809.605(a)	Cause Undue Degradation Incident to Mining		\$500
3809.605(b)	Begin Operation w/o notice or Plan or Operation		\$500
3809.605(c)	Conduct operations outside scope of approved plan		\$500
3809.605(d)	Begin operations prior to providing financial guarantee		\$500
3809.605(e)	Failure to meet requirements when: Stopped conducting operations under notice (3809.334) Notice expired (3809.335) Stopped conducting operations under plan (3809.424)		\$500 \$500 \$500
3809.605(f)	Fail to comply with performance standard		\$500
3809.605(g)	Fail to comply with any enforcement actions (3809.601)		\$500
3809.605(h)	Abandoning any operation prior to reclamation order		\$500
<u>Grazing Administration</u>			
4140.1(b)(1)(i)	Allowing Livestock on Public Lands w/o Permit Second Offense	\$250	\$250 * \$500
4140.1(b)(1)(ii)	Violation of Permit	\$250	\$250
4140.1(b)(1)(iii)	Undesignated Area	\$250	\$250
4140.1(b)(1)(iv)	Violation of counting, marking or tagging	\$250	\$250
4140.1(b)(2)	Disturbing Range Improvements	\$250	\$250
4140.1(b)(3)	Cut, Burn, Spray, Destroy or Remove Vegetation	\$250 *	\$250 *
4140.1(b)(4)	Damaging or Removing US Property	\$250 *	\$250 *
4140.1(b)(5)	Molesting Livestock	\$500 *	\$500
4140.1(b)(6)	Littering	\$100 *	\$150 *
4140.1(b)(7)	Interfering with Lawful Use or Users	\$250	\$250
4140.1(b)(8)	False Statements	\$250	\$250
4140.1(b)(9)	Failure to Pay Fee	\$100	\$150
4140.1(b)(10)	Failure to Reclaim Area		\$200
4140.1(b)(11)	Failure to Close Gate During Period of Use		\$100
9264.1(h)	Illegal Take, Destruction of Fish and Wildlife Resources		\$150 or **
<u>Wild Horse and Burro Act</u>			
4770.1(a)	Maliciously or Negligently Injure or Harass a WH/B	\$500	\$500
4770.1(b)	Remove or Attempt to Remove a Wild Horse	\$500	\$500
4770.1(c)	Destroy a Wild Horse or Burro w/o Authorization	\$500	\$500
4770.1(d)	Sell or Attempt to Sell a Wild Horse or its Remains	\$500	\$500
4770.1(e)	Commercially Exploiting a Wild Horse	\$500	\$500
4770.1(f)	Treating a Wild Horse or Burro Inhumanly	\$500	\$500
4770.1(g)	Violating Conditions of Care/Maintenance Agreement	\$100 *	\$250 *
4770.1(h)	Branding a Wild Horse or Burro	\$500	\$500
4770.1(i)	Remove/Alter Freeze Mark on Wild Horse or Burro	\$500	\$500
4770.1(j)	Violating an Order, Term Established by Auth Officer	\$250	\$250

BLM / North Dakota Collateral Schedule Proposal

Section	Description	Current	Proposed
<u>Forest/Vegetative Products</u>			
5462.2(b)(1)	Cutting, removing, damaging timber, tree, vegetation		
	Non-Commercial		\$250 *
	Commercial		\$500
5462.2(b)(2)	Cutting any standing tree, under permit, before marked		\$500
5462.2(b)(3)	Removing timber cut under permit, to unauthorized place		\$500
5462.2(b)(4)	Marking timber in manner similar to BLM		\$500
5462.2(b)(5)	Transporting timber w/o valid haul ticket		\$500
5462.2(b)(6)	Fail to possess permit or contract		\$500
5462.2(b)(7)	Violate state law regarding permits, transport etc		\$500
5462.2(b)(8)	Violate provisions of export & substitution.		\$500
5462.2(b)(9)	Obtain permit by false information		\$500
5462.2(b)(10)	Negligent of intentional destruction of timber under permit		\$500
<u>Free Use (Firewood) Permit Regulations</u>			
5511.4(b)(1)	Obtaining free use permit by false information		\$250
5511.4(b)(2)	Using timber secured under free permit other than allowed		\$250
5511.4(b)(3)	Violating terms & conditions of free use permit		\$150
5511.4(b)(4)	Exporting timber cut under free use permit		\$250
5511.4(b)(5)	Sale or timber cut under free permit or use of permit by other		\$250
<u>Wilderness Areas (Revised Regulations Formerly Found in 43 CFR 8560)</u>			
6302.20 (a)	Commercial Enterprises		\$500
6302.20 (b)	Construct Temporary or Permanent Roads		\$250 *
6302.20 (c)	Build Aircraft Landing Strips, Helispots		\$250 *
6302.20 (d)	Use of Motorized Equipment		\$250
6302.20 (e)	Landing of Aircraft, Drop Supplies		\$500
6302.20 (f)	Build Structures or Installations		\$500
6302.20 (g)	Cutting of Trees		\$250 *
6302.20 (h)	Entry into or Use without Permit When Required		\$250
6302.20 (i)	Engage in Any Competitive Event w/o Permit		\$250
6302.20 (k)	Violate any BLM Authorization Order or Regulation		\$250
<u>Research Natural Areas</u>			
8223.1(a)	Occupancy of Research Natural Areas	\$100	\$250
8223.1(b)	Use Contrary to Purpose of Research Natural Areas	\$100	\$250
8223.1(c)	Non-Destructive Use Only	\$100	\$250
<u>Off Highway Vehicles</u>			
8341.1(b)	ORV Operation off Designated Areas and Trails (Limited Use)	\$100 *	\$150 *
8341.1(c)	ORV Operation in Closed Area	\$100 *	\$250 *
8341.1(d)	Violate State ORV Laws	\$75	\$150 or **
8341.1(e)	Operate ORV w/o license	\$50	\$150
8341.1(f)(1)	Reckless/Negligent Operation	\$250	\$250 *
8341.1(f)(2)	Excess of Established Speed Limits	\$50	
	1 – 10 mph over limit		\$25
	11 – 20 mph over limit		\$50
	21 or more mph over limit		\$100
8341.1(f)(3)	Drive Under the Influence of Drugs or Alcohol	\$250	\$500
8341.1(f)(4)	Causing Environmental Damage w/Vehicle	\$250 *	\$250 *
8341.1(f)(5)	During Night Hours W/O Head and Tail Lights	\$50	\$100
8341.1(g)	Failure of ORV to Yield Right-of-Way	\$50	\$100
8343.1(a)	Brakes Required	\$50	\$100
8343.1(b)	Muffler required	\$50	\$100
8343.1(c)	Spark Arrester Required Where Posted	\$50	\$100
8343.1(d)(1&2)	Head/Tail Lights Standards for Nighttime Operation		\$100

BLM / North Dakota Collateral Schedule Proposal

Section	Description	Current	Proposed
<u>Management Areas / Trails</u>			
8351.1-1(a)	Operate Motor Vehicle on National Scenic Trail	\$250	\$250
8351.2-1(c)	Violate Terms and Conditions of Written Permission		\$150
8351.2-1(e)(1)	Entering Land or Water Where Prohibited	\$75	\$100
8351.2-1(e)(2)	Camping Where Prohibited	\$50	\$100
8351.2-1(e)(3)	Hiking Where Prohibited	\$50	\$100
8351.2-1(e)(4)	Violate Fire Regulations	\$100	\$100
8351.2-1(e)(5)	Improper Disposal of Human Waste	\$100	\$150
8351.2-1(e)(6)	Disorderly Conduct	\$100	\$150
8351.2-1(e)(7)	Other Acts Detrimental to Public Lands	\$150	\$150
8351.2-1(f)	Special Rules – Wild and Scenic Rivers Act		\$150 *
<u>Outstanding Natural Areas & Primitive Areas (Removed)</u>			
8352.1(a)	Unauthorized Occupancy of Outstanding Natural Area	\$100	Removed
8352.1(b)	Use that Unnecessarily Detracts	\$100	Removed
8352.4(a)	Primitive Area – Travel by Mechanized Means	\$250	Removed
8352.4(b)	Construction in Primitive Area	\$250	Removed
8352.4(c)	Conducting Non-Recreational Activities	\$250	Removed
<u>Closure and Restriction Orders</u>			
8364.1(d)	Violate Closure or Restriction Order	\$100 *	\$250 *
<u>Rules of Conduct</u>			
8365.1-1(b)(1)	Littering, Non-Flammable Material	\$100 *	\$200 *
8365.1-1(b)(2)	Littering, Flammable Material	\$100 *	\$200 *
8365.1-1(b)(3)	Unauthorized Draining of Sewage	\$250 *	
	Personal		\$250 *
	Commercial Waste		\$500
8365.1-1(b)(4)	Disposal of Household Waste	\$250 *	\$250 *
8365.1-1(b)(4)	Disposal of Commercial Waste	\$250 *	\$500
8365.1-1(b)(5)	Pollution of Water Supplies	\$250 *	\$500
8365.1-1(b)(6)	Improper Use of Refuse/Disposal Facility	\$100 *	\$150 *
8365.1-2(a)	Camping Longer than Permitted	\$50	\$150
8365.1-2(b)	Unattended Personal Property – > 10 Days	\$50	\$150
8365.1-3	Willfully Endanger Persons or Property w/Vehicle	\$500 *	\$500
8365.1-3(a)	Careless, Negligent Vehicle Operation		\$150
8365.1-3(a)	Reckless Vehicle Operation		\$500
8365.1-3(a)	Speed in Excess of Posted Limit		
	1 – 10 mph over limit		\$25
	11 – 20 mph over limit		\$50
	21 or more mph over limit		\$100
8365.1-3(b)(1)	Mandatory Safety Belt Use	\$25	\$25
8365.1-4	Creating a Risk or Public Disturbance		\$200
8365.1-4(a)(1)	Unreasonable Noise	\$100	\$150
8365.1-4(a)(2)	Creating a Hazard or Nuisance	\$100	\$200
8365.1-4(a)(3)	Refusing to Disperse	\$100	\$200
8365.1-4(a)(4)	Resisting Arrest, Citation, Interfering w/Officer	\$300	\$300
8365.1-4(a)(5)	Assault or Battery on BLM Employee or Volunteer	\$200	\$500
8365.1-4(a)(6)	False Emergency or Crime Report	\$250	\$250
8365.1-4(b)(1)	Cultivate, Manufacture, Deliver, Traffic Controlled Substance	MA	MA
8365.1-4(b)(2)	Possession of a Controlled Substance	MA	MA
8365.1-4(b)(2)	Possession of < 1 oz. of Marijuana	MA	\$250
8365.1-5(a)(1)	Deface, Remove, Destroy Arch or Natural Resources etc...	\$250 *	\$250 *
8365.1-5(a)(2)	Deface, Remove, Destroy, Plants, Rocks, Minerals	\$250 *	\$250 *
8365.1-5(a)(3)	Use of Motorized or Explosive Devices for Collecting	\$250 *	\$250 *
8365.1-5(c)	Collection of Resources w/o Authorization		\$250

BLM / North Dakota Collateral Schedule Proposal

Section	Description	Current	Proposed
8365.1-6	Supplementary Rules	\$75 *	\$75 *
<u>Developed Recreation Sites</u>			
8365.2-1(a)	Cleaning Fish, Game, Clothing at Recreation Site Water	\$100	\$100
8365.2-1(b)	Improper Deposit of Human Waste in Recreation Site	\$100	\$100
8365.2-1(c)	Animals Not on Leash or Restrained in Recreation Site	\$50	\$50
8365.2-2(a)	Excessive Noise from Audio Device in Recreation Site	\$75	\$100
8365.2-2(b)	Use of Public Address System in Recreation Site	\$75	\$100
8365.2-2(c)	Erecting An Antenna Other Than on a Vehicle	\$100	\$100
8365.2-3(a)	Failure to Pay Camping Fee	\$50	\$100
8365.2-3(b)	Erecting or Placing Equipment in Undesignated Area	\$50	\$100
8365.2-3(c)	Unattended Prop, 24 hrs (Day Use), 72 hrs (Other)	\$75	\$100
8365.2-3(d)	Build a Fire Except in Stove, Grill etc...	\$75	\$150
8365.2-3(e)	Entering or Loitering in Closed Campground at Night	\$50	\$150
8365.2-3(f)	Entering or Use of Site Closed to Public Use	\$50	\$150
8365.2-3(g)	Campsite Occupied by More People than Permitted	\$50	\$100
8365.2-3(h)	Move Any Campground Provided Equipment	\$75 *	\$100 *
8365.2-4	Operate Motor Vehicle except on Roads	\$100	\$150
8365.2-5(a)	Use or Discharge of Weapons in Developed Recreation Site	\$100	\$500
8365.2-5(a)	Use or Discharge of Fireworks in Developed Recreation Site	\$100	\$150
8365.2-5(b)	Bringing an Animal to a Swimming Area	\$50	\$50
<u>Special Recreation Use Permits (Removed and Revised under 43 CFR 2930)</u>			
8372.0-7(a)(1)	Fail to Obtain a Permit or Pay any Required Fee	\$100	Removed
8372.0-7(a)(2)	Violate Stipulations of Condition of Permit	\$100	Removed
8372.0-7(a)(3)	Participate Knowingly in Event w/o Permit	\$100	Removed
8372.0-7(a)(4)	Fail to Post Copy of Permit	\$100	Removed
8372.0-7(a)(5)	Fail to Show Permit Upon Request	\$100	Removed
8372.1-1	Fail to Obtain a Special Recreation Permit	\$250	Removed
<u>Wilderness Regulations (Removed and Revised under 43 CFR 6203)</u>			
8560.1-2(a)	Conduct Commercial Enterprise Where Prohibited	\$250	Removed
8560.1-2(b)	Construct Roads where Prohibited	\$250 *	Removed
8560.1-2(c)	Construct Landing Strip, Helispot etc	\$250 *	Removed
8560.1-2(d)	Use of Motor Vehicle in Wilderness Area	\$250	Removed
8560.1-2(e)	Landing of Aircraft	\$500	Removed
8560.1-2(f)	Dropping of Materials, Supplies or Persons from Aircraft	\$500	Removed
8560.1-2(g)	Structures or Installations	\$250	Removed
8560.1-2(h)	Cutting of Trees	\$250 *	Removed
8560.1-2(i)	Violating Order or Regulation	\$250 *	Removed
8560.1-2(j)	Entry into, or use of Wilderness Area w/o Required Permit	\$100	Removed
<u>Fire Management / Prevention</u>			
9212.1(a)	Igniting Fire Other Than Campfire	\$200	\$250 *
9212.1(b)	Fire Tracer or Incendiary Ammunition	\$250	\$250
9212.1(c)	Burn Vegetation except in Campfire	\$150	\$250 *
9212.1(d)	Abandoning Campfire	\$250	\$250 *
9212.1(e)	Campfire without Proper Clearance	\$100	\$100
9212.1(f)	Interference with Firefighters	\$500	\$500
9212.1(g)	Enter Fire Closed Area	\$250	\$250
9212.1(h)	Violate Fire Prevention Orders	\$250	\$250